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REMARKS

OF

HON. WILLIAM R. KING,

OF ALABAMA,

ON THE COMPROMISE BILL,

IN SENATE, JULY 19, 1850.

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WASHINGTON CITY,  
1850.

giving additional security, inasmuch as record evidence, when it could be obtained, would be respected more in the free States to which the fugitive had fled, than any other kind of evidence. But further than that, it relieved the owner of the slave from the necessity of taking persons with him to establish the identity of the slave. This accumulation of evidence does not prevent the pursuit of the slave; not at all; the owner of the fugitive slave may obtain it or not, as may be most convenient to him. It was considered to be accumulative and therefore to give additional facilities to the owner of the slave in obtaining his property. Sir, there was another motive, which perhaps was a very proper one to enter into the consideration of this subject. It is that wherever the law was to be executed, it is of the first importance that the sentiment of the country should not be shocked by the execution of it, but that it should chime in, as far as possible, with the feelings and even prejudices of the people. It was supposed that this evidence would command the high respect of the people generally, and thereby facilitate the recovery of the fugitive. But even if this bill is defective, I know that gentlemen from the free States—from one portion of the community, from one portion of the country—I mean the Democracy of the Northwest, stand prepared to make it as stringent as any Southern man requires it to be made, so as to insure the purpose intended to be accomplished, and to render it as effective as possible.

Therefore, I think that my honorable friend should be satisfied with the bill as it now stands, until it properly comes up for consideration and amendment. Then any suggestion that will give strength to that bill, so as to enable the slaveholder to recover his property, guaranteed to him by the Constitution of the United States, would be admitted by a large majority of the Senate. I pass by that question. I gave my assent to reporting this bill, believing with my Southern friends, that we were arranging it in such a way as was best calculated to effect the object we had in view. We were desirous, and our Northern friends were willing that we should do everything in our power to render the bill effective and satisfactory. Mr. President, the next subject to which I would call the attention of the Senate, is immediately connected with the subject matter before us; and it is, perhaps, one of the most difficult points to settle which is likely to come under our consideration. It is a point about which there is a great diversity of opinion; it is a point about which gentlemen may reasonably and honestly differ. Sir, I find myself differing from some of my political friends—my personal associates—gentlemen for whose opinions I entertain as high a respect as I can possibly entertain for those of any Senator on this floor. I believe I have said before, and I repeat it now—I believe that under all the cir-

cumstances connected with the annexation of Texas to the United States, her claim to the boundary which she has established for herself is rendered so perfect that, without a violation of good faith upon the part of the United States, she cannot be justly deprived of it. Sir, that question has been discussed with an ability much greater than I could bring to bear upon the discussion, if I was disposed to go into its consideration. I will not do so.

I put it upon the ground upon which it appears me to rest, and that is the claim of Texas to the boundary of the Rio Grande, from its sources to its mouth, is rendered perfect by the course of the government of the United States itself, she having undertaken to establish that boundary by negotiation with Mexico, and having acquired the disputed territory by conquest, cannot justly retain it. Well, sir, if that opinion was general, if we could find a majority of the people of our country in favor of it, all difficulty would be out of the way. Texas is satisfied to keep her territory. She only asks that Congress should allow her claim. But we know, we cannot disguise the fact, that there is a great diversity of opinion on this subject. There are many persons, not in the North, not in the West, not in the Northwest, merely, but even in the South, who have great doubt with regard to the claim of Texas being such as she could sustain either in Congress or in the courts if it could go there. In that state of things, what is best to be done? It is a disputed question, and one which I must take for granted can be reasonably disputed. Many persons entertain an opinion as strong, adverse to the claim of Texas, as my own opinion in favor of it. Well, sir, in this condition of things, with this disputed boundary on the part of Texas, does it not behoove us to endeavor to do as substantial justice as possible to that State, and to prevent the difficulties—which I must honestly say, although with regret, have been augmented and rendered threatening by the action, and what I consider the improper action, of the General Government, to prevent the difficulties growing up in that quarter, and going on increasing every day? Is it not, therefore, better that we should give to Texas a reasonable compensation for the relinquishment of any claims she may have to the territory, or any portion thereof, and settle then the question at once and forever. Now, sir, I know very well that, with many of our Southern friends, this is the great stumbling block in the way of any adjustment of this question. Sir, did I believe that, by purchasing any portion of the territory of Texas, we were to do what gentlemen tell us to be done—namely, that any portion of what I believe to be now a part of the territory of Texas, and therefore slaveholding territory, was to be converted into free territory—I would not consent to it. But I believe the opinion of the ablest constitutional lawyers of the land would sustain

me in the assertion that, as that territory is purchased, and you pay an equivalent to Texas for it, the laws of Texas will remain operative on it, because, by purchasing and paying for the claim, you recognize the right, and thus admit the fact, that this is now a portion of the territory of Texas. Hence the laws of Texas must continue to be in force in the territory ceded, unless they be repealed by some subsequent legislation. I wish to speak plainly upon this subject. If this opinion is correct, then, whatever may be the operation of the Mexican laws in other portions of the territory of the United States acquired from Mexico—a point which I do not propose to consider—whatever may be the operation of those laws elsewhere, it is certain that in this territory purchased from Texas they will have no operation whatever—the slaveholding laws of Texas having been attached. What then, is to prevent—provided the soil, climate, and productions, authorize doing so—what is to prevent the slaveholder from moving into that territory, if he thinks proper to do so? and being protected by the territorial laws, until the people themselves shall determine to form their constitution, when they can prohibit, or continue to tolerate the institution as they see fit.

Is there any difficulty in the way? I will ask any honorable senator who may entertain any doubt upon this subject, to state what the difficulty is, or how any Mexican law, or any other law now existing, can prevent the slaveholders from going into this territory with their slaves, if they choose to do so? Well, Mr. President, Texas has manifested a willingness to settle this question upon a reasonable basis, by relinquishing her claim for a competent compensation, to a portion of her territory. Can it be supposed that the Representatives of Texas would sacrifice the rights of that State by giving up their territory, to be taken from the jurisdiction under which it now is, when they and all others can now go and take their property of whatever description, and, in consideration of a few paltry dollars, consign it to restrictions disadvantageous and offensive to her, as well as to all the Southern States? No, sir, no! Sir, the committee that reported this bill never for a moment supposed that they were laying the slightest temptation in the way of any one calculated to influence their votes, and they did not suppose they were likely to carry a single vote one way or the other, by means of the compensation to be given to Texas for the cession of her claim. Texas prefers to retain her own territory. Give it to her, and she will be content and ask nothing more. But if you think it best to purchase it, Texas consents to sell for the benefit of the whole country, and for the restoration of the peace and harmony of the Union. For these reasons, Mr. President, I believe that this measure would have the effect to settle a difficult, an exceedingly difficult subject, and which, if not

settled now, no man can foresee where it will terminate. I was in favor of retaining that provision, in order to settle the boundary of Texas. Sir, I care not whether the western boundary of Texas on the Rio Grande conflicts with the boundary of New Mexico, Chihuahua, or Tamaulipas. It is a matter of no importance whatsoever. We can establish a line certainly in any territory that we possess; and if we think proper to annex any portion of it lying contiguous to a State, it is certainly in our power to do so with the assent of such State, as in the case of Missouri. How did she get that beautiful section of country lying upon the Missouri river? It was by an act of Congress annexing it. And so, sir, I say that all arguments founded upon the ground that we are cutting off this portion or that portion of the territory of New Mexico, or that we are breaking up or disregarding old Mexican lines, have no influence whatsoever on my course or opinions. It is for us to decide, under the circumstances of the case, what limit we consider to be right now, and to settle upon that as the line.

One amendment, Mr. President, I shall require, to put an end to all doubt or cavil, and that is, that a clause be inserted by which the right of Texas to divide the territory which may remain to her, into the number of States designated by the compact for her admission into the Union, shall be expressly recognized and admitted. The next portion of the bill, as reported, provides for the establishment of territorial governments for New Mexico and Utah. This portion of the bill was prepared with a view to accord with the principles of non-intervention, as contended for by the South. The boundaries being fixed, Mr. President, it became necessary to determine what kind of a government should be established for those territories, and what restrictions imposed, if any. The bill itself, as reported, contained a phraseology by mistake, which was adopted from the Clayton Compromise bill, but which has been modified so as to correspond with the amended language of that bill, by the amendments of my honorable friend from Georgia, (Mr. Berrien.) The tenth section, which specifies what the legislative powers of these territories shall be, is as follows:

“That the legislative power of said Territories shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil, *nor in respect to African slavery*; no tax shall be imposed upon the property of the United States; nor shall the lands and other property of non-residents be taxed higher than the lands and other property of residents.

All the laws passed by the legislative assembly shall be submitted to the Congress of the United

States, and, if disapproved, shall be null and of no effect."

Now, sir, why was this provision amended? honorable Senators will perceive that the first part of that section gives to the territorial legislature, all rightful legislation under the laws and Constitution of the United States, but the prohibition with regard to African slavery would have prohibited the territorial legislature from protecting property of that description if found in the territory. But the Senate of the United States made an amendment, striking out that portion which restricted them, and thus leaves the power to pass all municipal regulations, necessary for the protection of every description of property, prohibiting them only from passing any law for the *introduction* of slavery, or the *prohibition* of its introduction. Am I right in this construction? If I am, then what is the objection that my honorable friends make to that provision? Are we protected in our property if we choose to go there? I think that we are protected, I think that the territorial legislature would have no power to pass any law which should be destructive of the interests of any species of property, but that they are bound on the other hand by all rightful legislation to protect property of every description. Now, if I am mistaken in this, then I hold it to be the duty of Congress to render it more specific. Do not tell me, Mr. President, that the Mexican laws come in and prevent them from protecting that description of property, because it is prohibited by Mexican legislation; for I have no doubt as regards the question of the Mexican laws, and if I had any doubts, they have been confidently removed by the able, and I think unanswerable arguments of the honorable Senator from Louisiana, [Mr. SOULE.] I have no fear of the operation of the Mexican laws—none whatever. I should use to remove with my property of that description to any of these territories, I should not be deterred by the apprehension that there was any law in existence that could interfere with me or prevent me. Sir, we are told that property is sensitive. Be it so; but our people are intelligent. They can be made easily to understand what are the laws and what are their rights.

If it should be made a question, I have no fear whatever of the result. If I am wrong, let the error be pointed out. I know there are some gentlemen who entertain a different opinion, because their wishes, their desires are that slavery should be prohibited; but I am decidedly of opinion—and I do not wish to take any advantage of any construction put upon the bill differing from what other gentlemen may consider to be correct—that the provisions of the bill give us the protection which we demand. Mr. President, I promised to be as brief as possible; and I come now to the principal object which induced me to say a word to the Senate. I have been more tedious than I intended, from the commencement, as

I have stated over and over again, to see this unfortunate question settled in such a way as to protect the rights of all the citizens of the United States; to take from none what they are fairly entitled to under the Constitution, and to give to all that participation which they have a right to ask as citizens. From the commencement of this whole matter, to every individual who thought proper to ask my opinion, I have stated, that the boundary of the State of California, as it is called, was an insuperable objection to my mind. It is not necessary to go into any examination of the extent of the country that is taken by a few individuals—I must call them a few individuals—stationed at Monterey and San Francisco, and a few scattered upon the line—an extent of country which there is not a man in this Senate, I venture to say, would mark out as the boundary of any State, if the map was laid before him, and he had the designation of the boundary himself; not one. If there had been no action upon the part of California, and we had been about to prescribe the limits for a State, and to authorize her to form a constitution and State government, what should we do? Would you not give her reasonable limits? Would you not give her limits similar to those granted to the largest States in the Union? Limits which would enable her to perform the duties that appertain to State governments? Certainly you would. Then why is it that that disposition does not prevail now? Unfortunately Mr. President, the reason is too apparent. It cannot be disguised; and I feel a little, I must confess, some time ago, when my honorable friend from Illinois, [Mr. DORTCHES] with that ardor, and eloquence, and zeal that always characterize him, thought proper to intimate that the objection of the South to the admission of California was because she prohibited slavery. Was that just? Was it fair? Did it fairly represent the opinions expressed by honorable Senators from the South? Not so; certainly not. We were prepared from the beginning, I believe I may say—and I speak of most of the Southern men, and probably of all—to waive the many objections from irregularity and informality—objections that, under other circumstances, would be almost insuperable.

But in order to get clear of this unfortunate question, if practicable, without sacrificing everything on our part, we were prepared to admit California, with proper limits, valuing all objections. I know that the question will arise, whether, if her limits are restricted, you can admit her instantaneously. That is a question of considerable doubt. I have entertained the opinion that such admission might take place, though I must confess that the precedents are against me, as in the case of Iowa and Michigan and Arkansas. Mr. President, what I desire—and my amendment shows my desire—is to give to California a boundary, natural in itself, very



extensive: giving her all the facilities that a State ought to have, and, in truth, preventing what may take place hereafter, if the whole country is thrown into one empire; preventing what gentlemen seem very anxious to prevent, the setting up of these people for themselves. When you give them such an extended territory of 1,000 miles upon the Pacific, you take a step that more endangers the loss of that portion of the country than any other you could possibly take. It is an empire of itself. It takes all the front. It leaves all the rear dependent upon them, to unite with them and make common cause. Whatever that front, commanding as it must the most valuable trade of the world, determine upon, the whole interior must acquiesce in. If you divide that front, you divide the interest. You make your possessions much more secure, and you benefit the people themselves; for they can discharge their duties better as citizens with two governments, than if obliged to travel 600 or 700 miles in order to get to the seat of government, passing almost impassable barriers, the mountain range. I would ask honorable Senators, over and again, to say to me.

I speak of those in favor of admitting California with her present extent of limits—to say to me and to the country, as independent, as frank, as honorable men, and as senators of the United States, whether they would vote for that territory, as extensive as it is marked down here, to be a State, if slavery was not prohibited. Will any man answer me that? I do not believe there is a man in the Senate that would vote for it. Then, is it not asking too much of the Southern States, who are disposed to yield all that they can, I honestly believe, consistent with honor and essential rights, to settle this question? Why, I ask, will you not give us ground to stand upon? We shall be asked, perhaps—why insist upon a division? for this whole country is not fitted for slave labor, and you will have two free States instead of one. That is not the question. Be it so. If the country is not fitted for slave labor, if owners of slaves do not go there, if those in favor of a free State settle the country, after giving them a territorial government, in sufficient numbers to justify its coming into the Union, we of the South have no objection. Let it be free. Can anything be fairer? If there is anything unfair, unjust, illiberal in the proposition I make, I wish it to be pointed out; and I assure senators I will modify or change it, or give it up, provided it shall be made to appear wholly wrong, in order to place the whole matter upon just and liberal terms. God knows I do not wish to see the contest continued. God knows that it is my desire to see it brought to a pacific termination. Whether it will be so or not depends upon the action of Congress. I tell senators I speak what I know. Whether it is to be peacefully adjusted depends upon the action of this

body and that of the House of Representatives.

Let them determine to withhold from the South all participation in any portion of the extensive territory included within the proposed limits of California. To admit it as a State with such unreasonable and inconvenient limits, merely because the people there have been induced by a government agent to apply what is tantamount to the Wilmot Proviso; let them determine on that, and God knows when the peace of this country will be established, and controversy and agitation terminate. My proposition, Mr. President, is to take as the northern boundary of the State of California, the 42nd parallel of latitude, which is the southern boundary of Oregon; to follow that parallel until you reach the summit of Sierra Nevada; pass along the crest of that until you come to latitude 35 degrees, 30 minutes. I fixed upon the latitude 35 degrees, 20 minutes, because it is a mountain range, which leaves the lake, Tullans, which is in some measure the head waters of the San Joaquin. It is to throw all the waters that run west of the mountains of Sierra Nevada into the territory of California, which I propose to form into a State. It is not only necessary for senators to look at the map, to see that it is a natural boundary. It is one that, if they had been going themselves to arrange the matter, looking upon the whole territory, and no action having been previously had, they would in all human probability have fixed upon. The territory I propose to include in the limits of the State, is upwards of ninety thousand square miles; so that in truth it will be the largest State in the Union. It is more than twice the size of the State of New York, as my honorable friend near me, (Mr. DOUGLAS) remarks. If you look upon the coast, it has the distance of upwards of six hundred miles—between six and seven hundred miles. Mr. President, I have offered this proposition with the most sincere and ardent desire that it will meet with favor on the part of the Senate of the United States, and ultimately upon the part of the House of Representatives. I have done it, as I have stated before, differing with my own friends as regards other parts of the bill. I am prepared to risk my own standing and position in that section from which I come, in order to try and settle the question. Defeat this amendment, and I shall be compelled by the strongest obligations that I owe to myself, to my own section, and I believe the whole country, to go against the bill.

I know, sir, the objection in the minds of many individuals to fixing this boundary for California results from their unwillingness to send back the senators and representatives now elected from what is called the State of California. Well, sir, if that be the opinion of the two houses of Congress, that the curtailing of the limits produces that necessity, then I appeal to

senators whether they can jeopard the pacification of a measure so important to the peace and harmony of the country, not to say of the Union itself, simply because four individuals will be prevented from taking their seats in one or the other branch of Congress during a few weeks. For myself—and I say it in perfect sincerity and truth—I would just as soon have these gentlemen elected from California, as senators and representatives, as any others. With the senators I have a personal acquaintance; but not so with the representatives. So far as I have a knowledge—and I speak with sincerity—there are no men from California whom I would rather see occupy the station than the two gentlemen who were elected. There is no feeling, therefore, upon my part—no desire whatever to exclude them. If they can be admitted with the understanding that you can limit their boundaries, and also include their admission—if that can be the case, sir, I acquiesce in it. If, however, it is otherwise, I put it to senators to say whether they will jeopard this measure and brave all the consequences that will result from it. Gentlemen may wink as hard as they please, but they cannot shut their eyes to the difficulties by which they are surrounded. If it cannot be done, and gentlemen are determined to persevere, I shall have done my duty to the Senate, and, as I believe, to the whole country. I much fear, with the very best intentions in the world on the part of many Senators, and a heartfelt desire upon their part to do what I wish them to do, yet that, such is the force of circumstances, my amendment will be defeated. If it is, sir, I can only say that on others' heads, and not on mine and those who are acting with me, will rest the consequences. We shall have done all that we can do to quiet the public mind, to do justice to all sections, in order to stop the agitation of those unfortunate questions which are blinding men to consequences, arousing angry passions, and threatening the most deplorable results.

I was going to remark, Mr. President, that when this amendment shall be disposed of, I

should propose to strike out the second section of the bill, in these words:

"That until the representation in Congress shall be apportioned according to actual enumeration of the inhabitants of the United States, the State of California shall be entitled to two representatives in Congress."

I will say why I propose to strike out this section. There are gentlemen in the Senate, I know, who entertain constitutional difficulties with regard to fixing the representation. I have great difficulty myself on that very point. I did believe that the Constitution of the United States gave but one representative to a State until an actual enumeration was made, and it was ascertained by that enumeration that they were entitled to more. According to the ratio of representation now, I have my doubts whether that is strictly correct, although the able argument of my friend from Georgia [Mr. BERRIEN] has never been fully answered. Be that as it may, in order to relieve gentlemen from all difficulty upon the subject, I shall propose to strike it out, in order that the two Houses may settle that matter for California, if she is to be admitted, they judging of the qualifications of their respective representatives. It is therefore unnecessary to say that they shall have a certain number.

I beg pardon, sir, for having detained the Senate much longer than I intended. I have felt so desirous of being placed in a position in which I could support a measure which professes and which ought to be one of pacification and compromise—yielding something on all sides, in order to bring about an adjustment—that I have perhaps consumed more time than I ought in endeavoring to enforce upon gentlemen the necessity of yielding in this case, and forming a proper limit to the boundaries of California. It will be with Senators to act according to their consciences in relation to this amendment; but, whatever course they may take, I can only say I have discharged my duty.







